

1 Gene J. Stonebarger, State Bar No. 209461
2 gstonebarger@stonebargerlaw.com
3 Richard D. Lambert, State Bar No. 251148
4 rlambert@stonebargerlaw.com
5 Elaine W. Yan, State Bar No. 277961
6 eyan@stonebargerlaw.com
STONEBARGER LAW
A Professional Corporation
75 Iron Point Circle, Ste. 145
Folsom, CA 95630
Telephone (916) 235-7140
Facsimile (916) 235-7141

7 Mark L. VanBuskirk, State Bar No. 190419
8 mvanbuskirk@wkalaw.com
9 R. Duane Westrup, State Bar No. 58610
moats@westrupklick.com
10 WESTRUP KLICK LLP
11 444 W. Ocean Blvd., Suite 1614
Long Beach, CA 90802
12 Telephone (562) 432-2551
Facsimile (562) 435-4856

13 | *Interim Co-Lead Counsel for Plaintiffs*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DECLARATION OF CHARLENE YOUNG

I, Charlene Young, hereby declare as follows:

3 1. I am a Senior Project Administrator for Rust Consulting, Inc. ("Rust"), the
4 Settlement Administrator under the Settlement Agreement in this action. I was chiefly responsible
5 for managing the administration of the settlement on behalf of Rust, including establishing a
6 settlement website, arranging for notice by publication, preparing the tear-away notice pads, and
7 compiling and reviewing claim forms and requests for exclusion submitted by putative settlement
8 class members, as required by the Settlement Agreement and Preliminary Approval Order. I have
9 personal knowledge of the matters set forth in this declaration and if called to testify, I could and
10 would testify competently to such matters

11 2. In accordance with Section 3.2(c) of the Settlement Agreement and
12 Paragraphs 5 and 15.a. of the Preliminary Approval Order, on January 25, 2013, Rust established a
13 settlement website at the URL www.WalMartClassActionSettlement.com, which contains
14 information relating to the settlement, including the Detailed Notice, Claim Form, and Preliminary
15 Approval Order.

16 3. The settlement website has and will remain continuously live through the
17 Effective Date as provided in the Settlement Agreement.

18 4. In accordance with Section 3.2(b) of the Settlement Agreement and
19 Paragraphs 5 and 15.a. of the Preliminary Approval Order, beginning on February 14, 2013, and
20 once a week thereafter for two more consecutive weeks, Rust arranged to have a written notice,
21 substantially similar to the Short-Form Notice attached as Exhibit B to the Settlement Agreement,
22 published in the Los Angeles and San Francisco regional print markets of USA Today. A true and
23 correct copy of the publication notice is attached hereto as Exhibit 1.

24 5. In accordance with Section 3.2(a) of the Settlement Agreement and
25 Paragraphs 5 and 15.a. of the Preliminary Approval Order, Rust arranged for the printing of tear-
26 away notices, substantially similar to the Short-Form Notice attached as Exhibit B to the Settlement
27 Agreement. The tear-away notices were printed in pads of 300 and sent to Anderson Merchandising

1 to be distributed to and displayed at the customer service desk of every Wal-Mart store located in
2 California. A true and correct copy of the tear-away notice is attached hereto as Exhibit 2.

3 6. In accordance with the Order entered on April 8, 2013 amending the
4 Preliminary Approval Order, on April 9, 2013, Rust posted an alert on the settlement website stating
5 that "THE DEADLINE TO SUBMIT REQUESTS FOR EXCLUSION, OBJECTIONS OR CLAIM
6 FORMS HAS BEEN EXTENDED FROM APRIL 22, 2013 TO APRIL 29, 2013." Additionally,
7 beginning on or about April 10, 2013, Rust sent a notice to all putative class members that had
8 requested the detailed settlement notice and claim form by mail alerting such putative class members
9 that the deadline to submit requests for exclusion, objections or claim forms had been extended from
10 April 22, 2013 to April 29, 2013. Beginning on or about April 10, 2013, Rust also began including
11 an insert with every detailed settlement notice and claim form sent to putative settlement class
12 members alerting putative settlement class members that the deadline to submit requests for
13 exclusion, objections, or claim forms, if they so elect, has been extended from April 22, 2013 to
14 April 29, 2013.

15 7. In accordance with Section 3.4 of the Settlement Agreement and Paragraphs 7
16 and 15.c. of the Preliminary Approval Order, as amended by the April 8, 2013 Order, putative
17 settlement class members who wished to receive the Claimant Benefit were required to submit a
18 complete and timely Claim Form to the Settlement Administrator, postmarked no later than April 29,
19 2013, listing (i) the date of any transaction(s) in which the Claimant used a credit card to make a
20 purchase at a Wal-Mart store located in California between February 14, 2010 and November 30,
21 2010; (ii) the location of the Wal-Mart store(s) in which the credit card transaction(s) took place; and
22 (iii) a certification that the Claimant provided his or her personal ZIP code in response to a prompt
23 displayed on the debit/credit card keypad after the Claimant provided his or her signature in
24 connection with the credit card transaction.

25 8. In accordance with Section 3.4(c) of the Settlement Agreement, Wal-Mart
26 provided Rust with information indicating the dates during which a ZIP Code Survey was active in
27 each of Wal-Mart's California stores that conducted a ZIP Code Survey during the Class Period.
28

1 9. In accordance with Section 3.4(d) of the Settlement Agreement, Rust
2 reviewed the Claim Forms submitted by putative settlement class members and compared the
3 information provided in the Claim Forms to the information provided by Wal-Mart concerning the
4 dates during which a ZIP Code Survey was active in each California store to determine the number
5 of claims submitted that listed a transaction(s) that occurred during an active ZIP Code Survey.

6 10. As of the date of this declaration, Rust had received 519 timely Claim Forms
7 and two late Claim Forms from unique settlement class members.

8 11. Of the 519 timely Claim Forms and two late Claim Forms submitted by
9 unique settlement class members, 209 listed a transaction(s) that occurred during an active ZIP Code
10 Survey. The 2 late Claim Forms were deemed ineligible.

11 12. Pursuant to Section 3.8 of the Settlement Agreement and Paragraphs 6 and
12 15.c. of the Preliminary Approval Order, as amended by the April 8, 2013 Order, putative settlement
13 class members who wanted to be excluded from the settlement were required to submit a written,
14 signed Request for Exclusion to the Settlement administrator, postmarked no later than April 29,
15 2013, stating, among other things, that the person requesting exclusion is a settlement class member
16 and wishes to be excluded from the class.

17 13. As of the date of this declaration, Rust has received three requests for
18 exclusion, true and correct copies of which are attached hereto as Exhibit 3

19 I declare under penalty of perjury under the laws of the State of California and the
20 United States that the foregoing is true and correct.

Executed this 14th day of May, 2013 in Palm Beach Gardens, Florida.

By Charlene Young